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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/732,977	12/11/2003	Mateen Jamil Greenway	50-03-022	8545
34279	7590	12/29/2005	EXAMINER	
DOCKET CLERK, DM/EDS P.O. DRAWER 800889 DALLAS, TX 75380			LEVINE, ADAM L	
			ART UNIT	PAPER NUMBER
			3625	

DATE MAILED: 12/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/732,977

Applicant(s)

GREENWAY, MATEEN JAMIL

Examiner

Adam Levine

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>28 October 2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement (IDS) submitted on October 28, 2004, was filed after the mailing date of the Application on December 11, 2003. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Specification

The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

- 1. Claims 1-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Teper (US Pat. No. 5,815,665).**

Teper teaches all the limitations of Claims 1-21. For example, Teper discloses methods and systems for providing services to users over a distributed network with

both client and server based applications (see at least abstract, Fig.1). Teper further discloses:

- sending a list of available services to be displayed to a user: the list including pricing information for at least some available services (see at least Fig.1, column 4 lines 15-27, column 8 lines 59-62, column 12 lines 24-29); wherein the services include local applications or server-based applications (see at least abstract, Figs.1,3,4, column 7 lines 44-47 column 11 lines 34-53, column 13 lines 17-29, column 14 lines 53-61); wherein the list of available services is customized to the user's role within the enterprise (see at least column 4 lines 22-24, column 5 lines 49-55, column 12 lines 24-29)
- receiving a user selection of a service: wherein the user can thereby select only required services to use within a common operating environment (see at least column 4 lines 15-25, column 12 lines 24-29, column 15 lines 35-45).
- providing the selected service to the user: (see at least abstract, column 1 lines 13-23, column 6 lines 53-61, column 11 lines 32-33).
- creating a billing record: indicating the selected service and the user wherein each service can be individually selected and billed to the user, and wherein the services are billed to the user's business unit (see at least column 3 lines 32-45, column 4 lines 25-27, 36-40, column 5 lines 38-44, column 6 lines 46-49, column 7 lines 35-37. Please note: There is no functional distinction between billing the user and billing the user's business unit, it therefore will not distinguish the claimed invention from the prior art in terms of patentability. See In re Gulack,

703 F.2d 1381 , 1385, 217 USPQ 401, 404 (Fed. Cir. 1983). MPEP 2106); In any case, the prior art is not limited to one or the other definition, see at least column 7 lines 1-16.)

- storing the user selection: (see at least column 1 lines 17-22, column 3 lines 34-36, column 3 line 65 – column 4 line 14, column 6 lines 27-33, 53-61, column 8 lines 12-19).
- a processor and accessible memory: (see at least claim 45, column 26 lines 40-46)

Pertaining to machine readable computer program product Claims 15-21

Rejection of Claims 15-21 is based on the same rationale as noted above.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following US Patents and US Patent Application Publications all teach various systems and methods for providing services to users through a network, including local and server-based applications, billing processes, allowing selection of services, and various other functional elements:

- Chelliah, US Pat. No. 5,710,887 (Jan. 20, 1998); Computer system and method for electronic commerce.
- Walker, US Pat. No. 5,737,414 (April 7, 1998); 900 number billing and collection system and method for on-line computer services.


- Driskell; US Pat. No. 6,072,493 (June 6, 2000); System and method for associating services information with selected elements of an organization.
- Fulton; US Pat. No. 6,182,052 (Jan. 30, 2001); Communications network interface for user friendly interactive access to online services.
- Rowe; US Pub. No. 2001/0003846 (June 14, 2001); Encapsulated, streaming media automation and distribution system.
- Walker; US Pat. No. 6,249,865 (June 19, 2001); Systems and methods for a user to access digital data provided by an on-line server over a data network.
- Jenkins; US Pat. No. 6,264,104 (July 24, 2001); Vending device with remote electronic shopping facility.
- Tambay; US Pub. No. 2001/0037255 (Nov. 1, 2001); Systems and methods for providing products and services to an industry market.
- Serbinis; US Pat. No. 6,314,425 (Nov. 6, 2001); Apparatus and methods for use of access tokens in an internet document management system.
- McKinley; US Pub. No. 2001/0044743 (Nov. 22, 2001); System and method for profile driven commerce.
- Balthaser; US Pub. No. 2002/0004755 (Jan. 10, 2002); Methods, systems, and processes for the design and creation of rich-media applications via the internet.
- Rittmaster; US Pub. No. 2002/0023010 (Feb. 21, 2002); System and process for distribution of information on a communication network.
- Ozaki; US Pub. No. 2002/0046139 (April 18, 2002); Commerce information distribution system and commerce information managing method.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam Levine whose telephone number is 571.272.8122. The examiner can normally be reached on M-F, 8:30-5:00 Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn W. Coggins can be reached on 571.272.7159. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Adam Levine
Patent Examiner
December 22, 2005


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